

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

CLAUDIA VARELA and
JAVIER RAMIREZ,

Plaintiffs,

v.

CAUSE NO.: 1:20-CV-96-HAB-SLC

BRENT TURNER, BRANDON
HENDERSON, PATRICK ETTER, JASON
WILLIAMSON, MILES EDWARDS,
BRIAN THOMAS, JARRIN FRANKLIN,
RYAN KENWORTHY, DANA HARVEY,
BRANDON TRINKEL, AND DENNIS
WADE,

Defendants.

OPINION AND ORDER

This matter is before the Court on a Stipulation of Dismissal of City of Fort Wayne and Detective Doug Gillespie with prejudice (ECF No. 23), filed on October 27, 2020. The Stipulation indicates that the Plaintiff is Claudia Varela (Varela) and the Defendants are the City of Fort Wayne and Detective Doug Gillespie. It further represents that these parties agree to the dismissal with prejudice of this action but that it should remain pending as to “all other defendants.”

Varela originally filed this action as the lone plaintiff on February 28, 2020, against two defendants, the City of Fort Wayne and Detective Doug Gillespie, alleging various violations of federal and state law. On October 15, 2020, Varela was granted leave to amend her Complaint. (ECF No. 21). In that amendment, Varela added a new plaintiff, Javier Ramirez, removed the two original defendants (City of Fort Wayne and Detective Doug Gillespie), and added eleven additional defendants (all Indiana State Police Officers). “It is axiomatic that an amended complaint supersedes an original complaint and renders the original complaint void. *Flannery v.*

Recording Indus. Ass'n of Am., 354 F.3d 632, 638 fn. 1 (7th Cir. 2004). Thus, when Varela amended her complaint and removed the City of Fort Wayne and Detective Doug Gillespie, she effectively dismissed them. For this reason, the Stipulation of Dismissal has no effect and will be termed as a pending motion on the Court's docket.

SO ORDERED on November 2, 2020.

s/ Holly A. Brady

JUDGE HOLLY A. BRADY

UNITED STATES DISTRICT COURT